AN

ANSWER

To a PAPER importing a

PETITION

OF THE

Archbiſhop of *CANTERBURY*;

AND

Six other BISHOPS,

TO

His Majeſty,

Touching their not Diſtributing and Publiſhing

THE LATE

DECLARATION

FOR

Liberty of Conſcience.

Vide, utrum Tunica filii tui ſit, an non? Quam cum cognoviſſet pater, ait, Tunica filii mei eſt, fera peſſima comedit eum. Gen. xxxvii. Ver. 32, 33.

With Allowance.

London, Printed by *Henry Hills*, Printer to the Kings Moſt Excellent Majeſty, for His Houſhold and Chappel; And are to be ſold at his Printing-houſe on the *Ditch-ſide* in *Black-Friers*. 1688.

An Answer to a Paper importing a Petition of the Archbishop of Canterbury, *and Six other Bishops, to His Majesty,* &c.

NOT to amuse my Reader with any Reasons or Excuse for this Undertaking, let this suffice for both; That several Copies of this Paper, instead of distributing his Majesties Declaration for *Liberty of Conscience*, having been privately dispers'd thro' most Counties of *England*, I thought it every man's Duty, and (among the rest) mine, to undeceive them who have not the same Brains, but more Honesty and Loyalty, than those that sent it; and bestow some Ink upon the Tetter, that it spread no farther. In order to which, and that every man may at once see the Whole before him, and thereby come to the truer Conclusion, I shall take my Rise from the Occasion of this Paper, and thence proceed to the Matter of it. Now the Occasion was thus.

His Majesty finding it had been the frequent Endeavors of the four last Reigns, to reduce this Kingdom to an exact Conformity in Religion, and how little the Success had answer'd the Design, but rather destroy'd Trade, depopulated the Country, and discouraged Strangers; and being resolv'd to Establish his Government on such a Foundation as might make his Subjects happy, and unite them to him by Inclination as well as Duty, on the 4th of *April* 1687, issued his most Gracious Declaration for *Liberty of Conscience*, thereby declaring, That he will Protect and Maintain his Archbishops, Bishops, and Clergy, and all other his Subjects of the Church of *England*, in the free Exercise of their Religion, and full Enjoyment of their Possessions and Properties, as now Established

by Law, without any Moleſtation, *&c.*—That all Execution of Penal Laws for matters Eccleſiaſtical, as Nonconformity, *&c.* ſhall be, and are thereby Suſpended.——That all his Subjects have leave to meet and worſhip God in their own way, without Diſturbance.——And foraſmuch as the benefit of the Service of his Subjects is by the Law of Nature inſeparably annex'd to, and inherent in his Royal Perſon, and that no one for the future may be under any Diſcouragement or Diſability, by reaſon of ſome Oaths or Teſts uſually Adminiſtred; That no ſuch Oaths or Teſts ſhall be hereafter requir'd of them; And that he would diſpenſe with them, *&c.*

And becauſe ſeveral Endeavors had been made, to abuſe the Eaſineſs of the People, as if he might be perſuaded out of what he had ſo ſolemnly declared, his Majeſty, as well to ſtop the mouth of Gainſayers, as to ſhew his Intentions were not changed ſince the ſaid 4th of *April*, by a ſecond Declaration of the 27th of *April* laſt paſt, enforces and confirms the ſaid former Declaration, conjures his loving Subjects to lay aſide all private Animoſities and groundleſs Jealouſies, and to chooſe ſuch Members of Parliament as may do their part to finiſh what he has begun, for the Advantage of the Monarchy over which God hath plac'd him, as being reſolv'd to call a Parliament that ſhall meet in *November* next at fartheſt.

This Declaration was forthwith Printed, and by Order of Council required to be diſtributed, publiſhed, and read in the reſpective Churches, thro' the Kingdom: And in that it was not enjoyn'd to be read in any the Congregations thereby permitted, what greater Evidence can there be of his Majeſty's real Intentions to the Church of *England*, when, however he ſuffer'd others, he own'd not yet any Eſtabliſh'd National Church but the Church of *England?* Upon this the enſuing Paper was on the 18th of *May* following (between the Hours of Nine and Ten at Night) Preſented to his Majeſty by the Six Biſhops the Subſcribers.

To

To the King's most Excellent Majesty.

The humble Petition of *William* Archbishop of *Canterbury*, and of divers of the Suffragan Bishops of the Province, now present with him, in behalf of themselves, and others of their absent Brethren, and of the Clergy of their respective Dioceses.

Humbly sheweth,

THat *their great Averseness they find in themselves to the Distribution and Publication in all their Churches of Your Majesties late Declaration for* Liberty of Conscience, *proceedeth neither from any want of Duty and Obedience to Your Majesty, our Holy Mother the Church of* England *being both in her Principles, and constant Practices, unquestionably Loyal, and having to her great Honor been more than once publickly acknowledg'd to be so by Your Majesty; Nor yet from any want of due tenderness to* Dissenters: *In relation to whom, they are willing to come to such a Temper, as shall be thought fit, when that Matter shall be Consider'd and Setled in Parliament and Convocation. But among many other Considerations, from this especially, because the Declaration is founded upon such a Dispensing Power, as has been often declar'd Illegal, in Parliament, and particularly in the*

Years

Years 1662, 1672, *and in the beginning of Your Majesties Reign, and is a Matter of so great Moment and Consequence to the Whole Nation, both in Church and State, that Your Petitioners cannot in Prudence, Honor, and Conscience, so far make themselves Parties to it, as the Distribution of it all over the Nation, and Reading it, even in God's House, and in the time of his Divine Service must amount to, in common and reasonable Construction.*

Your Petitioners therefore most humbly and earnestly beseech Your Majesty, that You will be Graciously pleas'd not to insist upon the Distribution and Reading Your Majesties Declaration.

Canterbury.

St. Asaph.	*Bath* and *Wells.*
Chichester.	*Peterborough.*
Ely.	*Bristol.*

AND here also for Methods sake, and before I come to the Matter of it, I hold it requisite that I speak somewhat to the Persons the Subscribers, and the Time of their Presenting it.

As to the First, the Holy Scripture styles Bishops, *The Angels of their Churches*; And by the Common Law of *England* the Archbishop of *Canterbury* is *Primus Par Angl.* The Bishops, Lords Ecclesiastical Secular, —and Sit in Parliament *Jure Episcopatus*, which they hold *per Baroniam.* —— The Statute (*pro Clero*) calls them Peers of the Realm. ——That of Queen *Elizabeth*, One of the greatest States of the Realm. ——They have Jurisdiction in Ecclesiastical Causes, and are not bound to obey any Mandate but the King's: And by reason

4 *Inst.* 5. *Idem* 362. 25 *E.* 3. *c.* 24. 8 *Eliz. c.* 1. 1 *Inst.* 134.

reaſon of all this preſum'd to have a more than ordinary Influence upon the People. Our Saviour calls his Diſciples, *The Salt, and Light of the World.* And why? But that they ſhould ſeaſon others with their Doctrin, and guide them by their Example, into the way of Peace. His Name is the *Prince of Peace*: His Sermon on the Mount was, *The Goſpel of Peace*: The Bleſſings in it, are to *The Poor in Spirit, The Meek, The Merciful, The Peace-makers*, &c. His Life was one continued Practiſe of it; And his laſt Legacy to his Diſciples, was *Peace*. He gave to *Cæſar* the things that were *Cæſars*; and that Tribute, which yet was the product of an Abſolute Power, he not only paid it without diſputing the Authority, but commanded it to others: And tho' the Imperial Power after his Death was of the ſame Abſoluteneſs, yet St. *Paul* ſays not, the Senate had declar'd it Illegal, but calls it *The Ordinance of God*, and enjoyns Subjection to it. What the Apoſtles in their time, were, the ſame ever, and now challenge the Governors of all Churches; next, and under Kings, they are in the ſtead of God to the People; and where they make a falſe Step, what wonder if the unthinking People forget the Precept, and take after the Example? They ſee nothing but (*ſub imagine luſca*) by twilight, and conceive according to the colour of thoſe Rods are caſt before them; They hear a noiſe, but know not whence it cometh, or whether it goeth, and run away the Cry, without ſo much as laying a Noſe to the Ground for't. What made the People ſet up *Adoniah* againſt *David*'s diſpoſition of the Crown to *Solomon*? *Abiathar* the High Prieſt was in the Head of them. What made the Nobles break the Yoak? The Prophets had propheſied falſly, the Prieſts applauded it with their Hands, and a fooliſh People lov'd to have it ſo. Or what made the *Jews* who had ſo often acknowledg'd our Saviour, turn head againſt him, and crucifie him? The Chief Prieſts, the Scribes and Elders had poſſeſſed the People, that the *Romans* would come, and take away their City. Thus we ſee what Influence Great Men have upon the heedleſs Multitude; and therefore how wary ought they to be, how they give them the leaſt Example of Diſobedience; for it is ſeldom ſeen, but where the one Diſputes, the other Cavils; and where their Leaders make but a Shrug at the Government,

the

the People think it high time to be Mending it: Our own Hiſtories are as one Example of it; or if they run narrow, *Tacitus* may be believ'd of his; *Erant in Officio, qui mallent mandata Imperantium interpretari, quam exequi.* There were (ſaith he) *ſome in Power, that were more for Commenting, than Executing the Emperor's Directions.* Nor are Diſputes or Excuſes of leſs danger; for it is a kind of ſhaking off the Yoke, and an Eſſay of Diſobedience; eſpecially if in thoſe Diſputings, they which are for the Direction ſpeak fearfully and tenderly, and thoſe that are againſt it, audaciouſly. And if by ſuch means a Fire break out in the State, 'twill want no Fuel, when 'tis kindled from the Altar.

Lord *Bacon's* Eſſay of Sedition.

And for the Time of their Preſenting it, I ſhall conſider it as it may reſpect the preſent Circumſtances of the Kingdom, or that half ſcantling of time they gave his Majeſty to conſider of their Excuſes.

As to the former, the glut of Reformers in *Edward* the Sixth's time was great, and the Qualifications ſo indifferent, that the Church of *England* has ever ſince labor'd under it, and the ſame Elements that compounded her, half deſtroy'd her: For as the Loaves, not the Doctrin, brought them firſt together, they no ſooner found themſelves ſtraitned in the *One*, than they made it up with the *Other*, and themſelves ſomewhat in the Broils, that were otherwiſe nothing in the Peace of the State. Theſe Humors, during Her, and King *James's* Reign, lay fermenting in the Body, but in his Son's broke out into a Peſtilence. The Crown fell, the Church follow'd it, and the moſt diligent Enquirer might have ſought *England* in her ſelf, yet miſs'd her; till at laſt it pleas'd him, whoſe only it is to ſtill the raging of the Sea, to ſay to the Madneſs of the People, *Huc uſque, nec ultra.* His late Majeſty King *Charles* the Second was Reſtor'd; and ſo little averſe were the Catholic Lords to the Church of *England*, that their Votes, which otherwiſe might have kept them out, brought them once more into the Houſe of Peers: nor were they ſcarce warm in their Seats, before the Act of Uniformity was Paſs'd, and driven with that Violence, that it had like to have overturn'd all agen. The *Diſſenters* were not fit for Employ, they had Mony in their Purſes, and the World was wide enough:

The

The Catholic Lords were left to be trusted, they tumbled to the Ground, and 'twas but ſet they were down: There remain'd nothing but to caſt out the Heir, and then the Inheritance would be the eaſier divided. And here alſo it pleas'd God to appear in the Mount: He pluck'd him out of the deep Waters, and ſet him on the Throne of his Anceſtors: And as he came to the Crown thro' the greateſt of Difficulties, he has been preſerv'd in it by no leſs a Providence. He ſtifl'd two Serpents in the Cradle of his Empire, and in a Three-years Government conquer'd all Example, in his own. And now, when our troubl'd Waters had begun to ſettle again, what need of whiſtling up the Winds for another Storm? When the Wounds of the Kingdom were almoſt clos'd, what Charity was it to unbind them too ſoon, or under pretence of eaſing the Patient, to ſet them bleeding afreſh? In a word, when the Brands of our late Rebellions lay ſmother'd in their almoſt forgotten Embers, what prudence was it to rake them into another Flame? I ſee little of the Dove in it, and am loth to ſay, too much of the Serpent.

And for that half ſcantling of time they gave his Majeſty to conſider of their Excuſes, it ſeems here alſo, that the Spirit of Direction (like *Baal* in the *Kings*) was ſome way or other out of the way. The Declaration was no new thing, it had been publiſhed the 4th of *April* 1687, and his Majeſty had receiv'd the general Acknowledgments of the Kingdom for it; which argu'd their Satisfaction in it. The Corn was in the Ground, and now, if ever, was the time to ſow Tares; and therefore to prevent their choking it, his Majeſty the 27th of *April* 1688, (which was one full year, and three weeks after) enforces his firſt Declaration, and commands it to be read in all Churches within Ten miles of *London*, on the 20th and 27th of *May*, and in all other the Churches thro' the Country, on the 3d and 10th of *June* following; time enough (one would think) to have conſider'd the Matter, ſo as to have given the King ſome time to have adviſ'd: Whereas on the contrary, they make no ſcruple of it, till the 18th of *May*, about Ten at Night, and then (the 19th being a Day appointed for Hunting) they Preſent the Paper before mention'd, as well knowing, that if his Majeſty had an Inclination of Countermand-

ing his Declaration, he was to transmit in time, that he could not do it, for it was to be read the Day after. And what can be rationally interpreted from it, but that they had been all that while numbring the People, to see whether the Party were strong enough? And I am the rather inclin'd to it, for that since the time of the first Declaration, the Doctrin of *Non-resistance* has not been so much in Vogue, as it was formerly; it would keep cold for another time, and to have pressed it now, who knows but the People might have believ'd it? In short, *Nathan*, *Zadoc*, &c. had some pretence for opposing *Adoniah*; *Me thy Servant, and* Zadoc *the Priest, he hath not called.* So *Core*, *Dathan*, and *Abiram*, were Ecclesiastical Princes, and thought they might have as much Right to Govern as *Moses:* But when the Church of *England* (founded on the Law of *England*) acknowledges the King Supreme in all Causes; Themselves, *infra ætatem, & in custodia Domini Regis*; when the King by his Declaration has secur'd them in their Religion, Possessions and Properties, and by virtue of his Royal Prerogative (and for the Quiet of the Nation) only indulg'd it to others, (yet making no doubt of the Parliaments Concurrence in it) is it just that *Their* Eye be evil, because the *King*'s is good; or must the Kingdom of Heaven be confin'd to a Party? I never heard that Disobedience was any Qualification for it; and therefore if they will not enter themselves, why do they shut it against others, that would enter?

Glan. l. 7. c. 1. Bract. l. 5. 427.

But perhaps the Petition (if yet there can be any reason for the breach of a Duty) may give us the reason of it. The Title says, *In behalf of themselves, and others of their absent Brethren, and of the Clergy of their respective Dioceses.* Which makes good what I before hinted, that instead of Distributing and Publishing his Majesty's Declaration to be Read in their respective Dioceses, as in bounden Duty to their Supreme Ordinary the King, they ought to have done; and the Clergy, in respect of their Canonical Obedience to them, must have obey'd under the pain of Suspension, and in case of Contumacy, of Deprivation; they had been feeling the Pulse of their Clergy, and finding little return from them, but *Speak, Lord, for thy Servant heareth*, they concluded the Flock would

would follow the Shepherd; and consequently, if the Party were not strong enough, the Multitude of the Offenders might make it dispunishable; whereas it has been seen, that a Ferry-Boat's taking in too many Passengers, to increase the Fare, has been often the occasion of sinking altogether. And if the Loyalty of the Church of *England* receive any blemish by it, what can she say, but that she was *wounded in the House of her Friends?* For by the same Reason that a Metropolitan refuses the Injunctions of his Supreme Ordinary the King, by the same Reason may a Diocesan refuse his Metropolitan, and every inferior Clergy-man his Diocesan; and when the Chain is once broken, you may dispose the Links as you please.

But the Petition says, *It was neither from any want of Duty and Obedience to His Majesty.* No? Then why was it not comply'd with? *Shew me thy Faith by thy Works*, saith S. *James*; nor will it be possible to clear that Son of Disobedience, that said, *I go*, but went not. A Bishop (as before) is not bound to obey any Mandate but the King's; which Exception proves the Rule, and that he is inexcusably oblig'd to obey the King's: For all Bishops are subject to the Imperial Power, who is to be obey'd against the Will of the Bishop. *Mauritius* the Emperor (says Bishop *Taylor*) commanded St. *Gregory* to hand an unlawful Edict to the Churches; the Bishop advis'd the Prince, that what he went about was a Sin, did what he could to have hinder'd it, and yet obey'd. It was the Case of *Saul* and *Samuel:* The King desires *Samuel* to joyn with him in the Service of the Lord; He, with the liberty of a Prophet, refus'd at first, but afterwards joyn'd with him. Whereupon the said Bishop in the same place further says, *That even the Unlawful Edicts of a Lawful Prince may be published by the Clergy.* How much more then those that are Lawful? And that this Declaration is such, I shall shew presently, when I come to speak to their Word *Illegal.* In short, the Archbishop of *Canterbury* is Ordinary of the Court, and a Bishop's private Opinion may be warrant enough for him to speak when he is requir'd, but not to reprove a Prince upon pretence of Duty.

Ductor dub. fol. 606.

Heylin's Life of A. B. *Laud.* 209.

Id. Ductor Dub. 608.

Our Holy Mother the Church of England *being both in her Principles and constant Practises unquestionably Loyal.* Nor have they hitherto appear'd other; and, if not Religion, moral Gratitude

4 *Inſt.* 285. tude muſt have oblig'd them to it. All the Biſhoprics of *England* (but *Sodor* in *Man*, which was Inſtituted by Pope *Gregory* the Fourth) are of the Foundation of the Kings of *England*, and thoſe in *Wales* of the Prince of *Wales*. Nor is it leſs than reaſon, that they look up to the Hand that fed them; Or to whom more juſtly ought they have paid the Tribute of Obedience, than to Him that took them from the Flock, and ſate them among Princes? In a word, the late War was *Bellum Epiſcopale*; and if King *Charles* the Firſt would have confirm'd the Sale of Church Lands, he had ſav'd himſelf: And why then do they reproach the King his Son with their Loyalty, when they inſtance the contrary in ſo ſmall a trial of that Obedience; eſpecially when, were the matter doubtful, the Preſumption were for Obedience, and even unjuſt Commands may be juſtly obey'd? For as we fear the thing is unjuſt, ſo have we reaſon to fear the evil of Diſobedience, for we are ſure that is evil; and therefore we are to change the Speculative Doubt into a Practical Reſolution, and of two Doubts take the ſureſt part, and that is to obey; becauſe, in ſuch Caſes, *Reum facit Superiorem, iniquitas Imperandi; innocentem Subditum, ordo ſerviendi:* The Evil (if there be any) is imputed to him that Commands, not him that Obeys, who is not his Prince's Judge, but Servant; and they that are under Authority are to Obey, not Diſpute; nor ſhall any thing done by vertue thereof be ſaid to be *contra pacem*. *David* commanded *Joab* to put *Uriah* in the Head of the Battel, to the end that he might fall by the Enemy: *Joab* obeys, *Uriah* is kill'd; and yet not *Joab*, who might have prevented it, but *David*, who commanded it, is charged with the Murther. In a word, to pretend Loyalty for a common Principle, and yet make Diſputing and Diſobedience the Practice of it; what is it, but a drawing near with the Mouth, when the Heart is fartheſt from it? The Voice (perhaps) may be the Voice of *Jacob*, but the Hands are the Hands of *Eſau*.

1 *Inſt.* 94, & 97.

Id. Duct. Dub. f. 136, & 531.

9 *Coke* 68.
10 *Coke* 70.

And having to her great Honor been more than once publickly acknowledg'd to be ſo by Your Majeſty. And do's his Majeſty leſs than acknowledge it in this Declaration? He has in the Word of a King ſecur'd to them their Religion, Poſſeſſions and Properties. And why? but to aſſure them he repented not

not the Character. And it was their Intereſt, if not Duty, to keep it up; nay, the Honor of their Church depended on it, inaſmuch as Men value things according to the preſent Good or Evil they do in the World; and what Advantage can that Religion give us to another Life, when it ſhall be found miſchievous, or deſtructive to this? They have (I ſaid) the Word of a King for their Security; but if they force him in his own defence, to ſecure againſt it, whom can they blame but themſelves, who firſt made the Challenge? *Abiathar*'s Service to *David*, was acknowledg'd by *Solomon*, but when he once began to boggle, he forgave, but remov'd him. And our Biſhop *Bonner*, tho' he got his Biſhoprick by thwarting the Pope, yet he loſt it agen by oppoſing the King. In a word, the Holy Spirit in the *Apocalyps*, acknowledges the good works of the Seven Churches of *Aſia*, but bids ſome of them remember whence they had fall'n, and repent, and do the firſt works, or he would remove their Candleſtick.

Nor yet from any want of due tenderneſs to Diſſenters. No? Why then have thoſe Penal Laws been executed with ſo much rigor againſt them? Or why are they ſo averſe from having them eas'd at preſent? What brought them into this Kingdom, I have touch'd before, and what turn'd them out agen, and our Trade with them, is demonſtrable enough in the late Proteſtants of *France*. I will not ſay but they might have been kept out at firſt; but being ſettl'd and embodied into a People, it may ſeem ill Policy to remove any Greater number to gratifie a Leſſer. It is not the Nobility, or the Gentry, that are the Traders; nor is it the Gown that enriches more than particular Perſons: but the Trade of the Merchant, and the Induſtry of the Middle-ſort, that enriches a Nation, and without which *Vena Porta*, let a Kingdom have never ſo good Limbs, it will have but empty Veins. It was Trade gave *England* its firſt Credit abroad, and the Manufacture at home found matter to it; the One drein'd other Kingdoms to water our own, and the Other brought a Ballance to it, in making the Export come up to the Import, and both together ſecur'd the Dominion of the Sea, and made the Wealth of either *Indie* a kind of Acceſſary to it; and all this carry'd on by the Middle-ſort of People. Take our Sea-Ports, and the Sea-man is but here and there.

there a true Church-of-*England*-man: The Merchant that employs him not much better at Heart: The Artiſan thro' the Kingdom has more than a Spice of the Diſeaſe; and the Body of the People not leaſt infected with it. However, let them be quiet within themſelves, and they diſpute no Authority; but when they are uneaſie, and mew'd up at home, what wonder if they change it for a freer Air? What makes us complain of the want of Trade? That our Neighbors have gotten into our Manufacture? That our Ships are not ſo well Mann'd as formerly? And the Rents of Lands fall'n? The Reaſon is obvious: Our ſelves have cut off our own Hands. The Merchant ſits down with what he has, or turns Builder; The Workman carries his Art with him; The Sea-man will have his Opinion, as well as his Pay; And the Lump of the People their Conſciences, or Good-night Landlord! Whereas, ſince his Majeſties late Indulgence, Trade is viſibly encreaſed, Building ſtops of it ſelf, the Kingdom begins to People agen, and the numerous Addreſſes on this occaſion, ſpeak ſo general a Satisfaction, that if ſuch be the Dawn, what may there not be expected from its full Day? And is there no Equity, that the Catholic alſo come in for a ſhare, tho' the word *Diſſenter* ſeems not (in proper Speech) to comprehend him; for neither the Law of *England*, or themſelves, ever knew him by that Name? However, that ſome tenderneſs might be due to them, may be gather'd from the Engliſh Litany. The Church of *England* knows the King profeſſes the Faith of *Rome*; And therefore when they beſeech God, *That it may pleaſe thee to keep and ſtrengthen in the true worſhiping of thee, in righteouſneſs and holineſs of Life, thy Servant* James, *our moſt gracious King and Governor*, what do they mean by it? if after the way which ſome of them call Idolatry, ſo worſhips he the God of his Fathers, and they beſeech God to keep and ſtrengthen him in the true worſhiping of him, they imply that Worſhip to be a true Worſhip; and if they do not believe it, and yet uſe the words, how will they avoid a Sin? for whatever is not of Faith, is Sin. In a word, The King has made a General Indulgence to all his Subjects, The Catholics fall under no particular Exception, in it; And therefore, the Law of Reaſon, as well as the Law of the Land gives them the benefit of it.

In

In relation to whom, they are willing to come to ſuch a Temper, as ſhall be thought fit, when that Matter ſhall be Conſider'd and Setled in Parliament and Convocation. What the Temper hitherto has been, is but too ſenſible already, & what it is like to be for the future, may be gueſs'd by what's paſt. The King (who by the Law of *England* is *Supremus in Eccleſiaſticis*) has Thought fit, Conſider'd, and Setled the Matter; and were a Parliament now Sitting, the King is ſole Judge, all the reſt but Adviſers. The Royal Prerogative is a part of that Law of the Land, and by that Authority the King has Setled it; and therefore it becomes no Man to be wiſer than the Law. Nor is the Advice of *Ignatius* to his Clergy forreign to it, *Nolite Principes irritare ut acerbentur, ne anſam detis iis qui illam contra vos quærunt.* Provoke not Princes (ſaith he) to become bitter, leſt ye hand an Occaſion to thoſe that ſeek one againſt ye. But ſuppoſing it a matter only cogniſable in Parliament, why could not they have held till then, and in the mean time obey'd? eſpecially, when the King had by the ſame Declaration declar'd his Reſolution of calling a Parliament in *November* next at fartheſt; and our Law ſays, *Extra Parliamentum nulla petitio eſt grata, licet neceſſaria.* No Petition, how neceſſary ſoever, is grateful out of Parliament. Or how then could the Convocation be concern'd in it? for (beſides that the matter is meerly Political, and ſingly reſpects the Quiet of the Kingdom) if the King, who is Supreme Ordinary of all *England*, may by the ancient Laws of this Realm, and without Parliament, make Ordinances and Conſtitutions for the Government of the Clergy, and deprive them for Non-obedience thereunto, as has been more than once reſolv'd, he may; what have the Convocation to be conſulted in it? Eſpecially when they have ſo often, in *Henry* the Third, *Edward* the Second, and *Edward* the Third's time, been commanded by the King's Writ, That as they love their Baronies, (which they hold of the King) That they intermeddle with nothing that concern'd the King's Laws of the Land, his Crown and Dignity, his Perſon, or his State, or the State of his Council, or Kingdom: (*Scituri pro certo quod ſi fecerint, Rex inde ſe capiet ad Baronias ſuas*) willing them to know for certain, That if they did, the King would ſeize their Baronies. And by the Statute

22 *E.* 3. 3. *Stan. Pl. Cor.* 162. 1 *Inſt.* 97. *Epiſt.* 12. 4 *Inſt.* 11. *Crook Jac.* 37. *Moore* 755. 4 *Inſt.* 322.

25 *H.* 8. *c.* 19. Statute of *Henry* VIII. it is provided, That no Canons or Conſtitutions ſhould be made, or put in Execution by their Authority, which were contrariant, or repugnant to the King's Prerogative, the Laws, Cuſtoms, or Statutes of the Realm. In a word, the King has commanded, they have diſobey'd, and by their ill Example perverted others, and are yet very uncondeſcending (for ſo the People word it) themſelves. And what would *Hen.* VIII. have done in ſuch a Caſe; made uſe of his laſt Argument, or thrown up the Game for a few croſs Cards?

But among many other Conſiderations, from this eſpecially, becauſe this Declaration is founded upon ſuch a Diſpenſing Power, as has been often declared Illegal in Parliament: And what were thoſe Conſiderations? If a Man ſhould put an ill Conſtruction upon them, it may be ſaid, their Lordſhips never intended it; and if they intended not to amuſe the People, why did they not ſpeak plain Engliſh, and ſpecifie thoſe Conſiderations? inaſmuch as all Petitions ought to contain Certainty, and Particularity, ſo as a direct Anſwer may be given to them; which could not be here: For whatever the King's Anſwer might have been, ſomewhat more alſo might have been hook'd in from the words; And *Alexander* would have given it a ſhort Anſwer, (*Aut Ligna inferte, aut Thus.*) Either made it a Chimney or an Altar. But it ſeems it mov'd in ſundry places, tho' the beſt Scripture for this pretended Illegality, be a Declaration in Parliament: Their Lordſhips inſtance nothing beyond their own time; but I conceive it not impoſſible to bring them thoſe of elder times, that have been ſo far from doubting the King's Diſpenſing Power, that they held it unqueſtionable.

The Stat. 1 *H.* 4. *c.* 6. ſays, The King is contented to be concluded by the Wiſe Men of his Realm, touching the Eſtate of him and his Realm; Saving always the King's Liberty, *i. e.* his Prerogative of varying from that Law, as he ſhould ſee cauſe.

Serj. *Rolle's Abridg.* 2 *part. Tit. Prerog.* 180. In the Parliament Roll, 1 *H.* 5. *N.* 22. the Statutes againſt Proviſors are confirm'd; and that the King ſhall not give any Protection or Grant againſt the Execution of them; Saving to the King his Prerogative. And what was meant by that, may appear by a Prior Roll of the ſame year, *N.* 15. where the Commons pray, That the Statutes for the putting Aliens out of the Kingdom may be held and executed: The King conſents,

Id. Tit. Prerog.

ſents, ſaving his Prerogative, and that he diſpenſe with ſuch as he ſhall pleaſe. Upon which the Commons anſwer, That their intention was no other, and by the help of God never ſhall be.

Queen *Elizabeth* had diſpens'd with the ancient Form and Manner of Inveſting and Conſecrating of Biſhops, and the Parliament of the 8th of her Reign, *cap.* 1. declares it Lawful, as being done by her inherent Prerogative. And when by the ſame Prerogative or Privilege, and Royal Authority, (for ſo it is worded) ſhe diſpens'd with the Univerſities, *&c.* ſo Popiſh a thing as Latin Prayers, and which their Lordſhips the Biſhops ſtill uſe in Convocations, tho' it be directly contrary to the Stat. 1 *Eliz. c.* 1. for uſing the Common-Prayer in the Vulgar Tongue only: what is meant by it, but that the Queen might lawfully diſpenſe with that Statute? for if otherwiſe, there is no Eccleſiaſtical Perſon in the Kingdom, but would have found the Temporal Cenſures too heavy for him, when it had been too late to have ask'd a Parliamentary Conſideration, whether Legal or not.

And in particular in the Years 1662 *and* 1672, *and in the beginning of Your Majeſty's Reign.* As to the firſt of which, matter of Fact ſtands thus: King *Charles* II. by his Declaration from *Breda*, had declar'd Liberty for tender Conſciences, and that no man ſhould be diſquieted for difference in Opinion in matters of Religion, which did not diſturb the Peace of the Kingdom. And in his Declaration of the 26th of *December* following ſtood firm to it, but that no ſuch Bill had been yet offer'd him. While it thus lay, an Act of Indempnity, and one other of Uniformity were Paſs'd: The firſt regenerated themſelves; and the ſecond, with the old Ingredient, The *Growth of Popery*, was a probable way to exclude others. The 25th and 26th of *February* the Commons come to ſome Reſolves againſt *That* and *Diſſenters*; which, with the Reaſons of them (wherein yet they declare not the Declaration Illegal) they Preſent his Majeſty on the 28th in the *Banquetting-Houſe*. The King complies; and it was too ſoon after a Rebellion to have done otherwiſe: However, if they had declar'd it Illegal, it was but the ſingle Opinion of the Commons, wherein the Lords made no Concurrence: And therefore to ſay, This Diſpenſing Power was in the Parliament of 1662 declar'd Illegal, when (in com-

mon and reaſonable Conſtruction) a Declaration in Parliament is intended of both Houſes of Parliament; why may it not be as well urg'd, That thoſe other Votes and Reſolves of the Commons, touching the Bill of Excluſion, were a Legal Declaration in Parliament, when yet the Lords ſwept their Houſe of it?

Then for that other of 1672, the King in the Interval of Parliament was engag'd in a War with the *Dutch*; and, to ſecure Peace at home while he had War abroad, had put forth a Declaration for Indulgence to *Diſſenters*: The Parliament meet, grant a Supply of Twelve hundred thirty eight thouſand ſeven hundred and fifty Pounds; and without charging the Declaration with Illegality, pray his Majeſty to recall it. The Argument prevail'd, and the King did it: Which ſhews, that it was in the King's Option not to have done it, or done it.

And laſtly, for that other in the beginning of his Majeſty's Reign, That alſo (without declaring it Illegal) was but ſome Heats of the Commons. There were at that time two open Rebellions; the King (who is ſole Judge of the Danger of the Kingdom, and how to avoid it) had granted Commiſſions to certain Perſons not qualifi'd according to the Statute 25 *Car.* 2. The Commons offer to bring in a Bill for the Indempnifying thoſe Perſons: The King knew his own Authority, and ended the Diſpute. And if any man doubts the Legality of the King's diſpenſing with that Statute, a ſubſequent Judgment (in the Caſe of Sir *Edward Hayles*) has determin'd the Point; And that the Power of diſpenſing with Penal Laws, upon Neceſſity, or urgent Occaſions, of which the King is ſole Judge, is an inſeparable Prerogative in the King, not given him in Truſt, or deriv'd from the People, but the ancient Right of the Crown, innate in the King, and unalterable by them. And that this has been the ancient Judgment of the Judges from time to time, I ſhall meet with the occaſion of ſhewing it in the next Paragraph.

Trin. 2. *Jac.* 2. *in B. R.*

And is a matter of ſo great Moment and Conſequence to the whole Nation, both in Church and State. And ſo indubitably is it, that nothing can be more: For the beſt of Laws being but good Intentions, if a Prince ſhould be ty'd up to ſuch unalte-

rable

rable Decrees, as in no case whatever he might vary from them, it might so happen, that what at one time was intended for the good of Church and State, may at another prove the destruction of both, if not as timely prevented. The present Case is a pregnant Instance of it: One would have thought, that the frequent Endeavors of the four last Reigns, for the reducing this Kingdom to an exact Conformity in Religion, might have answer'd the Design; but (if his Majesty in his Declaration had not told us his thoughts of it) our own Experience might have taught us, the Effects thereof have in a manner brought the Kingdom to nothing: And what should the King have done in this Case, sate still, and expected a Miracle, or interpos'd his Royal Authority for the saving it? The Question answers it self: And if the Power of Dispensing with Penal Laws, were not inseparably and unalterably in him, how could he have done it? What elder Parliaments have declar'd in it, I have already shewn; and that the Judges successively have gone with it, is, or may be, obvious to every man.

Such was the Resolution of all the Justices in the *Exchequer-Chamber*, 2 *R.* 3. 12. And that the King might grant License against a Penal Statute. And what is that, but a dispensing with it? In like manner, by all the Justices in the same place, 2 *H.* 7. 6. That the King may grant a *Non obstante* to a Penal Statute, tho' the Statute say, such *Non obstante* shall be meerly void; and such was the Case there. —The 13 *H.* 7. 8. to the same purpose. ——Allow'd for good Law, *Plowd. Com.* 502. ——Confirm'd by Sir *Edward Coke*, 7 *Coke* 36. —— and 12 *Coke* 18, 19. And lastly, by a Judgment in his now Majesty's Reign, of which before. And if so necessary a part of the Government, so solemnly determined by Parliaments and Judges, is fit to be slighted, or not obey'd, which amounts to the same, I leave it to every man.

That Your Petitioners cannot in Prudence, Honor, and Conscience, so far make themselves Parties to it, as the distribution of it all over the Nation, and reading it even in God's House, and in the time of his Divine Service, must amount to in common and reasonable Construction. And on the other hand I conceive, that both in *Prudence*, *Honor*, and *Conscience*, they were highly oblig'd to it: For what is *Prudence*, but the active Faculty of the Mind,

directing Actions morally good to their immediate Ends? That this Declaration is morally good, appears by the purport of it; and that is, *His Majesty's desire of Establishing his Government on such a Foundation, as may make his Subjects happy, and unite them to him by Inclination as well as Duty.* And what greater Prudence could there have been, than by their Lordships distributing that Declaration as enjoyn'd to them, and by their Pastoral Authority requiring it to be read in all Churches, *&c.* to have directed it to its immediate Ends, which were the Establishing the Government, and making the Subjects happy? Or, if Wisdom must come in for a share, the Offices of That are Election and Ordination; the choice of right Means for, and ordering them aright to their End. The right Means of quieting the Nation was before them; and I think it no question, whether their Lordships not distributing it, has order'd it aright to the End. The King had enjoyn'd it to be publish'd, and Wisdom in this case (like Scripture) is not of private Interpretation, but lies in him that has the Power of Commanding, not in him whom Conscience binds to obey. In a word, if Obedience in Subjects is the Prince's Strength, and their own Security, what Prudence or Wisdom could it be, by weakning the Power of Commanding, to lessen their own Security?

Then for *Honor and Conscience*, tho' in this place they seem to mean the same thing, and may be both resolv'd into *Nil conscire sibi*,—yet I'll take them severally. And how stands it with the Honor of *the Church of* England, *both in Principles, and constant Practices, unquestionably Loyal, and to her great Honor, more than once so acknowledg'd by His Majesty*, to start aside in this Day of her trial? Both the last *Armagh's*, *Usher* and *Bramhal*; Bishop *Sanderson*, Bishop *Morley*, &c. have all along by their Doctrin, and Practices, beat down that other, of Resisting Princes, in that *the Church of* England *held no such Custom*: nor have the most eminent of her Clergy, Dr. *Sherlock*, Dr. *Scott*, and others, until this last uncomplying Compliance, taken any other Measures. And ought not their Practice now, to have made good their Principles? Or that Advice of the present Bishop of *Ely* to the Church of *England*, to have been consider'd, and follow'd? *Let her be thankful* (saith he)

he) *to God, for the Blessings she hath, and unto the King, under whom they will be continu'd to her; And take heed of overturning, or undermining the Fabrick, because She cannot have the Room that She would choose in it.* And what greater Allay to it can there be, than Disobedience? inasmuch as he that thinks his Prince ought not to be obey'd, will from one thing to another, come at last to think him not fit to be King. Nor must the Anniversary of the now Bishop of *Chester*, be pass'd in silence. *Tho' the King* (saith he) *should not please, or humor us; tho' he rend off the Mantle from our Bodies,* (as Saul *did from* Samuel) *nay tho' he should Sentence us to Death* (*of which, blessed be God and the King, there is no danger*) *yet if we are living Members of the Church of* England, *we must neither open our Mouths, or lift our Hands against him, but honor him before the Elders, and People of Israel.* And having instanc'd in the Examples of *The Prophets, our Saviour, his Disciples, and Christian Bishops* under Heathen Persecutors, and demanded, whether ever the *Sanhedrim* question'd their Kings? *Nor must we* (saith he) *ask our Prince, why he Governs us otherwise, than we please to be Govern'd our selves: We must neither call him to account for his Religion, nor question his Policy, in Civil Matters; for he is made our King by God's Law, of which the Law of the Land is only Declarative.* In a word, this and the like has been the Doctrin of the Church of *England*, and when on that ground, his Majesty has more than once acknowledg'd her Loyalty, who in Honor more oblig'd to make it good, than those that serve at her Altar? unless (perhaps) they coin a Distinction to Salve it. And that the Church may be of one Opinion, and the Church-men of another.

His Coronation Sermon, pag. 27.

His Sermon on that occasion, p. 13, 14.

And then in *Conscience*, their Obligation was higher; for besides what I said before, that the People are apter to follow Example than Precept, every Man (and even their Lordships with the rest) is Party, and privy, to an Act of Parliament, and bound in Conscience to the observance of it; Nor is there either Bishop, or Clergy-man in the Church of *England*, who has not Subscrib'd to the Lawfulness of this Declaration's being read in the Church, during the time of Divine Service. As thus; Every Clergy-man at the time of his Institution, Subscribes (in a Book kept for that purpose) That the King's

Majesty

Ecclesiastical Canons 1603. Art. 36.

Majesty under God, is the only Supreme Governor of this Realm; And that the Book of Common-Prayer containeth nothing in it, contrary to the Word of God. Now, the Book of Common-Prayer, as it is now used in and thro' the Church of *England*, is Enacted by Authority of Parliament, to be read in such Order and Form, as is mention'd in the said Book: And the Rubrick, *i. e.* the Order and Form, how those Prayers shall be read, is to all intents and purposes, as much Enacted as the Book its self; And in that *Rubrick*, next after the *Nicene Creed* (in the Communion Service) follow these words: *Then shall the Curate declare unto the People what Holy-days, or Fasting-days are in the Week following to be observed*, &c. *And nothing shall be proclaimed or published in the Church, during the time of Divine Service, but by the Minister; Nor by him any thing, but what is prescribed by the Rules of this Book, Or enjoyned by the King, or by the Ordinary of the Place.* Now when all Clergy-men have Subscribed, That the Book of Common-Prayer, containeth nothing in it, contrary to the Word of God; and that the King has enjoyned, That his Declaration be read in all Churches, during the time of Divine Service; these Subscriptions of theirs (besides the Authority of King and Parliament) conclude themselves, from offering any thing against the Lawfulness of reading it, as it had been enjoyn'd to them, and the Rubrick, requir'd of them. And being so, what Excuse can there be, why they did not read it?

Or suppose that Clause, Or enjoyned by the King, had not been in the Rubrick, (as it was first inserted in this Act of Uniformity, and every Man that was of the Convocation of 1661, knows by whom:) were none of the King's Declarations ever read in Churches (and that, during the time of Divine Service) before that time? I think there were, and (amongst many others) that of the Declaration for Sports, for one. Or that the *Ordinary of the Place* had enjoyn'd the contrary, ought not the King, the Supreme Ordinary, and as their Subscriptions farther acknowledge, The *Supreme Governor of this Realm under God*, to have been first obey'd? I think he ought; for the Authority of the Greater, supersedes the Lesser; nor is there any Power in his Dominions, but what is deriv'd from him. And whatever Station the King has given them

them in the Church, it is not to be presum'd, he thereby lock'd out himself. Nor must a Remark of the said Bishop of *Chester*, in his Sermon before mention'd, be forgotten here: *The Jews* (saith he) *say, That the Keys of the Temple were not hung at the High Priest's Girdle, but laid every Night under* Solomon's *Pillow, as belonging to his Charge.* The Moral of it holds true; for when a Prince shall have little Authority in the Church, it is not to be expected he should have much better in the State. Pag. 15.

And Lastly, for their Lordships *so far making themselves Parties to it, as the Distribution and Reading of it,* &c. *must amount to, in common and reasonable Construction.* A Clergy-man's meerly Reading the Common-Prayer in his Church, is no giving his Assent to it, unless after his so Reading it, he shall publickly, and openly, before the Congregation there assembled, declare his unfeigned Assent, and Consent, to all and every thing contained, and prescribed in and by the said Book, Entituled, *The Book of Common-Prayer,* &c. which necessarily implies, that neither the Distributing, nor Reading it, &c. can in common and reasonable Construction amount, to the making the Publisher, or Reader of it, a Party to it. *Vid.* Act of Uniformity before every Common-Prayer-Book. *Par.* 3, 4.

The Apostle says, *Submit your selves to every Ordinance of Man for the Lord's sake.* And upon this the Bishop of *Hereford* grounds his Judgment, for the Reading this Declaration. *The King* (saith he) *expresly commanding it to be read in all Churches, without requiring him that reads it, to declare either his Consent, Assent, Allowing, or Liking it; I would gladly know how this is contrary to the Word of God? Shew it me. Or if, as it is said, this Dispensing Power be contrary to the Laws of the Land, as is declared in the Parliament* 1662 *and* 1672, *is it contrary to the Law of God? Shew it me,* (pag. 5. 6.) *Or that to read any thing in the House of God, is declaring my Consent to it?* (pag. 8.) *No certainly;* (pag. 9.) *for in the reading this Declaration there is no Doctrin taught, only matter of Fact declared, and perchance, to try my Obedience,* (pag. 10.) *And done out of pure Obedience to my King, upon God's Command, and to so good an End, as the preserving Truth and Peace among us: Which if we lose on this Occasion, they will have much to answer for who are the Authors of it,* (pag. 13.) Besides whom, there are several other Bishops of the Church of *England,* who have obey'd his Majesty's Commands His late Discourse on this occasion.

And having said so much to the Matter of the Paper, I think I may well pass the Prayer of it, *That His Majesty will be Graciously pleas'd not to insist upon the Distribution, and Reading that Declaration.*

And therefore upon the whole, If this Declaration had not been thought fit to have been distributed, as enjoyn'd, less ought the said Paper to have been dispersed privately, and by such previous disposition, fitted in the Form of the Design into the Matter it was to work on: And considering the Evils we had past'd, and that the Kingdom wanted a Lenitive, not a Corrosive, least of all ought *The People on the Wall* to have been har'd with new Jealousies: The People (I say) who need more a Ballance than a Fly, somewhat to moderate, not multiply their Motion.

In short, Trust is the Sinew of Society, which is the right Object of true Policy; and Distrust, a disbanding of it. The King, as he has *more than once acknowledg'd the Church of* England's *Loyalty*, has as often declar'd, that *He will Protect, and Maintain, His Archbishops, Bishops, and Clergy, and all other His Subjects of the Church of* England, *in the free Exercise of their Religion, as by Law Established: And in the quiet, and full Enjoyment of all their Possessions, without any Molestation or Disturbance whatsoever.* The King has said it, and shall he not perform it? He has pledg'd his Royal Word, and shall we doubt the Truth of it? It is not with God, that he should Lye; nor with his Vicegerent, that he should be chang'd. And therefore let us (as his Majesty by this his Declaration conjures us) lay aside all private Animosities, and groundless Jealousies: Let us *Fear God, and Honor the King*, and not discover the falsness of our own Hearts, by distrusting our Prince's.

In a word, Let every Man in his Station, contribute (*his Mite*) to the Peace, and Greatness of his Country: Let him shew his Love to God, in his Obedience to his Prince: And let no man, by setting up Conscience against Duty, run the hazard of dashing the First Table against the Second.

FINIS.